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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,828	06/04/2001	William F. McKenzie	McKenzie 1-1	5415

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EXAMINER

PUENTE, EMERSON C

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/873,828	Applicant(s) MCKENZIE ET AL.	
	Examiner Emerson C Puente	Art Unit 2113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-11, 13-15, 18-26 and 29-34 is/are rejected.
- 7) ☒ Claim(s) 4, 5, 16, 17, 27 and 28 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is made **Final**. Claims 1-34 have been examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 6-11, 13-15, 18-26, and 29-34 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,600,791 of Carlson et al. referred hereinafter “Carlson”.

In regards to claim 1, 13, and 24, Carlson discloses:

a first computer comprising;

a transceiver (see figure 2 item 220 and column 5 lines 1-5 and 15-21).

software stored within said first computer defining functions to be performed (see column 5 lines 15-20 and column 7 lines 40-50); and

a processor configured by said software to perform the steps of,

associating a received error message with an error identification number (see column 8 lines 19-22); and

associating said error identification number with a root cause proximity value, wherein said root cause proximity value represents a relationship between said received error message and an actual cause of said network problem (see column 8 lines 30-35).

In regards to claim 2, 14, and 25, Carlson discloses:

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wherein said actual cause is selected from the group consisting of malfunction of hardware, malfunction of software, or problems with provided services associated with said network (see column 8 lines 30-35).

In regards to claim 3, 15, and 26, Carlson discloses:

a database that stores said error identification number and said associated root cause proximity value (see figure 5A item 595 and column 8 lines 40-50).

In regards to claim 6, 18, and 29, Carlson discloses:

associating said received error message with a detailed description of said error message (see column 8 lines 28-36).

In regards to claim 7, 19, and 30, Carlson discloses:

wherein said detailed description of said error message is provided to said system prior to receiving said error message (see column 8 lines 45-52).

In regards to claim 8, 20, and 31, Carlson discloses:

associating said received error message with a probable cause of said error message (see column 8 lines 30-35).

In regards to claim 9, 21, and 32, Carlson discloses:

wherein said probable cause of said error message is provided to said system prior to receiving said error message (see column 8 lines 45-52).

In regards to claim 10, 22, and 33, Carlson discloses:

associating said received error message with a remedial action of said error message (see column 8 lines 35-40).

In regards to claim 11, 23, and 34, Carlson discloses:

wherein said remedial action of said error message is provided to said system prior to receiving said error message (see column 8 lines 35-45).

Allowable Subject Matter

Claims 4, 5, 16,17, 27 and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 12 is allowable over the prior art of records for reasons indicated in the previous office action

Response to Arguments

Applicant's arguments filed June 16, 2004 have been fully considered but they are not deemed to be persuasive.

In response to applicant's argument on page 10 that cites: "The Applicants respectfully submit that nothing in the cited art teaches or suggests the applicants' invention as recited in the claims 1-34. Nothing in Carlson et al. suggests an error code, associated with an error message, having associated therewith a root cause proximity value that is indicative of the cause of the error.....The Applicant's invention associates a single root cause proximity value with an error identification code, which is associated with a received error message. The cited language in Carlson et al. only discusses the contents of particular data fields in error messages, not an error identification code associated with the error message, and clearly not a root cause proximity value associated with an error identification code" examiner respectfully disagrees.

Carlson discloses an IOP error message comprising a SLID, which is a system wide error number (see column 8 lines 19-23), indicating an association of a received error message with an error identification number. He further discloses the IOP message also includes a system reference code (SRC) that indicates the particular hardware component responsible for the failure (see column 8 lines 30-35), indicating a root cause proximity value indicative of the cause of the error and an association of said error identification number with a root cause number. Examiner maintains his rejection.

Conclusion

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emerson C Puente whose telephone number is (703) 305-8012.

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The examiner will be moving in October 13, 2004. The examiner number at the new site is (571) 272-3652. The examiner can normally be reached on 8-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert W Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5631.

Emerson Puente

9/2/04


ROBERT BEAUSOLIEL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100